

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 17, 1949
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-Tem Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Absent: Mayor Glass

Present also: Guiton Morgan, City Manager; W. T. Williams, Jr., Assistant City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

The Minutes of the previous meeting were read; and upon motion of Councilman Johnson, seconded by Councilman Long, approved by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

HAROLD T. BRANCH, Minister 19th Street Baptist Church, appeared before the City Council and submitted a petition of approximately 2,000 citizens of Austin favoring the construction of the housing project on the St. John's Tract, and urging that the project be completed at the earliest possible date. (Copy of this petition on file with City Clerk)

MR. HOWARD LINNARD, representing the Executive Committee of the University of Texas Chapter of the National Association for the Advancement of Colored People presented a statement to the Council urging that the Council refuse to condemn the land and instead offer all assistance and encouragement to the Crescent Industries in developing the housing project.

MR. W. W. PATTERSON appeared before the Council stating he hated to see the colored people taken advantage of by unscrupulous people; that he would like to see them get a good housing location near their schools. He stated the CRESCENT

INDUSTRIES was not listed with the Secretary of State or the County Clerk, and he did not know whether it was the N.A.A.C.P., the Progressive Party or Communist Party. MR. PATTERSON stated if the St. John's tract were used for a stadium, the students of Anderson High School would realize a lot of good from it, as their games would draw larger crowds.

ARTHUR DeWITTY stated that in 1945 the City had 168 acres adjoining the St. John's Tract and sold this land in 1947 as excess property at a good profit. The City knew that the city was growing and that they might have had need for that land. Two years after that land had been sold, they find immediate need for more land; and that two of the Council that sold the 168 acres are still on the Council.

MR. NICK HORNSBY appeared before the Council submitting a petition of over 600 signatures, asking the City of Austin to purchase the St. John's orphanage Tract for a high school, stadium, park and other various uses.

MR. M. H. CROCKETT stated the Crescent Industries was not listed with the County Clerk's Office, and each day they operated under an assumed name without proper filing with the County Clerk, they were subject to a fine of \$25.00 a day. He stated professional football was growing more popular throughout the country and that Austin would sooner or later need a stadium that would accommodate large crowds for professional football.

ERNEST RHAMBO stated the colored people needed help, and needed help to build houses on the St. John's property and needed help from the City Council.

MAYOR PRO-TEM DRAKE stated no action had been taken on the property; and that ample notice would be given before any action would be taken.

The City Manager presented a petition to the Council from EARL T. COLEMAN and CHARLES H. HORTON requesting that the City vacate a part of East 54th Street lying between the East property line of Martin Avenue and the West right-of-way line of the H & T.C. Railroad. The City Manager presented the recommendation of the Director of Public Works under date of November 16, which read in part as follows:

"I do not believe it advisable to vacate this portion of 54th Street as at some future date, it may be required for street purposes.

The City Manager recommended against vacating the street. The Council received the petition and the City Manager's recommendation was accepted.

THOMAS WILLIAM BROWN appeared before the Council to appeal the Council's denial of his taxicab driver's license in May. The Council decided not to reopen this request and did not reconsider his application to drive, due to his criminal record.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Frank Robertson for the laying of certain water mains, sanitary sewer mains, and other pipes in Highland Village, Section I, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-Tem Drake
 Noes: None
 Absent: Mayor Glass

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SAN SABA STREET, from East 8th Street northerly 110 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said SAN SABA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in BURFORD PLACE, from a point 81 feet north of Ashby Avenue northerly 66 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said BURFORD PLACE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in GUNTER STREET, from a point 761 feet north of Gonzales Street northerly 169 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property

line of said GUNTER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in DEL CURTO ROAD, from a point 1901 feet south of Fredericksburg Road southerly 87 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said DEL CURTO ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacGorkle, Mayor Pro-Tem Drake
Noes: None
Absent: Mayor Glass

Councilman MacCorkle introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON 75x120 FEET OUT OF THE SOUTHWEST CORNER OF LOT 2, AND ALL OF LOTS 3, 4, 5, AND 6, OUTLOT 23, DIVISION C, UNPLATTED; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON THE NORTHWEST 100x660 FEET OF A 5.56 ACRE TRACT, ISAAC DECKER LEAGUE, KNOWN AS 1522-1526 BARTON SPRINGS ROAD; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 1 THROUGH 32, BLOCK 26, THE HIGHLANDS ADDITION; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 1, 2, AND 8, BLOCK 6, FAIRVIEW PARK ADDITION; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-Tem Drake
 Noes: None
 Absent: Mayor Glass

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-Tem Drake
 Noes: None
 Absent: Mayor Glass

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-Tem Drake
 Noes: None
 Absent: Mayor Glass

The Mayor Pro-tem then announced that the ordinance had been finally passed.

Mayor Pro-tem Drake introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF PROPERTY OWNED BY VINCENT CANNIZZO ET UX AND PROPERTY OWNED BY A. D. STENGER ET UX, BEING OUT OF THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and laid over for publication.

MR. M. H. CROCKETT appeared before the Council stating he had some property in northeast Austin near Watkins Store, fronting on Airport Boulevard, paying about \$1,000 an acre taxes. He stated there was no sewage in that area, and he asked if the Council would try to extend the sewage to that part of town, as there were about 250 to 300 houses out there now, and he could not develop his acreage because of the lack of sewer lines. The City Manager stated there was about a million dollars worth of sanitary sewers needed in Austin, and no more money authorized; and before sewers could be extended, it would be necessary to have another election authorizing another bond issue.

The Council, in regard to the proposed taxicab ordinance, decided to take more time for studying the draft submitted, and take it up at a later date. MR. CHARLES SANDAHL stated he was charged \$1.00 per passenger to go from the Hotel to the football game. MAYOR PRO-TEM DRAKE stated the situation in Austin needed to be improved, and the Council would take additional time to make a more complete study of the proposition.

COUNCILMAN MacCORKLE brought up a discussion of traffic at Exposition Boulevard and Windsor Road and asked if some study had been made of that intersection and if it were found that a light should be placed there. He also mentioned the intersection of 12th and Lamar, stating it might relieve traffic there if 11th street were cut through. The City Manager stated there had been considerable study made at those locations, and also extending 19th Street connecting Enfield, but that there was too much money involved. He stated plans had been made to cut 11th Street through. He said timing of the light system had been figured on in many ways, ever since the north end of Lamar had been under construction; and after it is finished, a complete traffic count will be made.

COUNCILMAN MacCORKLE inquired as to the collections of water and light, and if there was a problem there. The City Manager stated a few bad checks were received and some delinquent bills, but nothing much; that if the bills were not paid, the service was disconnected, especially the lights. He stated the City was very careful about disconnecting the water, as that was a public health matter, but quite often the lights were cut off.

The City Manager outlined in detail to the Council the financial condition of Austin, as it is today and as it will be for the next 10 years. He stated the bond money voted for water extensions, sanitary sewer extensions, electric extensions had been spent. He stated that in taking all the available income as annual current income and taking the necessary operating costs of the different departments, \$1,600,000 would be left for construction work and capital expenditures; and that most cities would feel that they were in good shape if they could have that much left over, but that \$1,600,000 is allocated tentatively as follows: \$450,000 for transformers and lines and extensions to the electric system; \$300,000 for capital improvements to the water system; and \$250,000 for capital improvements to the sanitary sewer system, leaving \$600,000 for all capital expenditures of all kinds, including police cars, office equipments, trucks in the Sanitary Department, and a small paving amount and a small amount for culverts and storm sewers. He stated if there were more bonds, the City could not sell them because it is close to the 10% limit of outstanding bonded indebtedness in ratio to the assessed valuation including the school and general obligations bonds.

The City Manager stated the budget is balanced with \$2,200 for appropriations to meet emergencies, etc., and that the income of the city is based on the same prices as before the war--the same tax rate and the same rate for water and light. The City Manager brought out that last year salary increases amounting to \$200,000 were voted, and he was instructed to increase the revenue estimates to balance the budget and if during 1949 the City ran into the red, that the Council would consider raising the water and light rate. By leaving certain construction jobs out, the City will stay out of the red.

Increasing the fees charged in various departments will not help in providing money for major jobs. The 45th Street paving job had to be dropped--boulevard lighting had to be left out. He stated the finances of Austin compared to other cities showed we were in good shape, but we do not have the money needed by millions of dollars, and that we can only issue bonds year by year to supplement our current income available for that purpose. In 1957 and 1958, the financial strain will ease; but between now and then, it will be a hard job to keep in balance and keep within our income and do the things that just have to be done. He stated that was the financial picture.

Councilman Long moved that the following applications for change of zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

J. F. JOHNSON	108 Academy Drive	From "B" Residential To "C" Commercial
PATRICIA ANN SIMMS	1901-03 Newton	From "A" Residential To "C" Commercial
HERMAN JONES, Atty. for D. C. BRADFORD	1704-18 Barton Springs Road	From "A" Residential To "C" Commercial
MRS. CORDELIA A. LENTHE	904-06 W. 37th Street 907-09 W. 38th Street	From "A" Residential To "C" Commercial

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

Councilman MacCorkle moved that the following applications for change of zoning be set for public hearing on December 8, 1949, at 11:00 A.M.

S. R. FULMORE, Agt for Fred A. Lesser, Guiditta Franzetti, R. C. Ammann	3500, 3600 & 3700 Blocks Lamar Blvd.	From "A" Residential To "C" Commercial ZONING BOARD recommended change to "B" with additional property.
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I. E. McNEILL	1003 W. 38th Street	"
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MRS. CORDELIA A. LENTHE	1003 W. 38th Street 904-06 West 37th 907-09 West 38th	"
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The motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

There being no further business, Councilman Johnson moved that the Council recess, subject to call of the Mayor. The motion, seconded by Councilman Long, carried unanimously, and the Council recessed at 11:30.

APPROVED: W S Drake

ATTEST:

Elin Woolley
City Clerk